

SUMMARY

UTAH STATUTES: GOVERNMENT EMPLOYEE ETHICAL REQUIREMENTS

17-16a-1, et seq – The County Officers and Employees Disclosure Act: The county disclosure act focuses on conflicts of interest between an employee's private financial or business interests and the employee's public duties. Certain activities are prohibited, such as revealing confidential information, using county employment to secure special advantages, and engaging in an outside interest which may interfere with county duties. The public disclosure of private business interests is required in most circumstances, and disclosure statements are filed with the county council.

67-16-1, et seq – Utah Public Officers' and Employees' Ethics Act: The substantive prohibitions and disclosures in this act are almost identical to those in the county disclosure law. This statute is binding on state and district employees, but not in counties and cities.

10-3-1301, et seq – Municipal Officers' and Employees' Ethics Act: The substantive prohibitions and disclosures in this act are almost identical to those in the county and state disclosure laws, and is binding on city and town employees.

11-49-101, et seq – Political Subdivisions Ethics Review Commission: This statute creates a commission at the state level that is charged with investigating violations of the county and municipal conflict of interest and disclosure law; members are appointed by the Governor and staff provided by the Legislature. It creates a formal, quasi-judicial administrative hearing process to review complaints of conflicts of interest, with subpoena and contempt power and a confidentiality requirement. The commission may, if it finds a violation of the law, recommend legal or disciplinary action by the employer against the person accused of misconduct. Cities and counties may create their own ethics commission; if they do so, the local commission trumps the state body's jurisdiction.

67-21-1, et seq – Utah Protection of Public Employees Act: This law establishes 'whistle-blower' protections for government employees who report misconduct or unethical behavior in the public sector workplace; the chapter prohibits and establishes penalties for retaliation against whistle-blowers. The whistle must be blown in good faith and to the appropriate person or entity in the government, as defined in the statute. A private cause of action is created, with damages and injunctive relief, and a person who violates the prohibition against retaliation is subject to a \$500 fine and termination of employment. A local government may establish an independent personnel review board to hear retaliation complaints, which would create an 'exhaustion of remedies' requirement for whistle-blowers.